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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,427	09/25/2003	Hiroshi Tanaka	FJ-2003-014-US	2414

21254 7590 12/28/2007  
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VIENNA, VA 22182-3817

EXAMINER
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NEGRON, WANDA M

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/670,427

**Applicant(s)**

TANAKA ET AL.

**Examiner**

Wanda M. Negrón

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-6 and 8-16 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

In view of the amendment filed 12/05/2007, the rejection of claims 1, 2 and 7 under 35 U.S.C. § 112, first paragraph has been withdrawn. A new ground of rejection is made in view of Oie (US Patent No. 6,188,431 B1). Since this is a new ground of rejection, which was not done because of an amendment, **this action is non-final**.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Oie (US Patent No. 6,188,431 B1).**

Regarding **claim 1**, Oie discloses an image communication apparatus (1b or slave camera) capable of communicating with a plurality of image communication apparatuses, interpreted as capable of communicating with different master cameras (1a) one at a time, in a server-client system, the server and the client corresponding to the master and the slave in figure 6, comprising an image display device (6) which displays a recorded image, and a selection device which selects an image to be transmitted to another image communication apparatus from among images displayed on the image display device, said selection device interpreted as the plus/minus keys (11, 12) used to select and display the image of interest (see col. 6, lines 54-60). Oie

also discloses a transmission device (69 connected to 45 for wired transmission, 145 for wireless transmission) which transmits to one of the plurality of image communication apparatuses, i.e. the camera operating as a master camera 1a at any given time, the image selected (*Image Data* element in figure 6) by the selection device when a request to send the image (*Reception Code RC* element in figure 6) is received from a respective one of said one or more image communication apparatuses, interpreted as the master side in reception mode (see figure 6).

Regarding **claim 2**, Oie discloses that the image communication apparatus comprises a digital camera (1a).

Regarding **claim 7**, Oie discloses that the plurality of image communication apparatuses comprise wireless communication devices (see col. 7, lines 31-50).

### ***Response to Arguments***

Applicant's arguments, see pages 7-11 filed on 12/05/2007, with respect to the rejections of claims 3-6 and 8-16 under 35 U.S.C. § 102 and 35 U.S.C. § 103 have been fully considered and are persuasive. The rejections to claims 3-6 and 8-16 have been withdrawn.

### ***Allowable Subject Matter***

#### **Claims 3-6 and 8-16 are allowed.**

The following is an examiner's statement of reasons for allowance:

Regarding **claims 3-6 and 8-16**, independent claims 3 and 6 respectively teach an communication apparatus and method for communicating in a client-server system wherein said image communication apparatus, *inter alia*, ***searches for a server in order to request transmission of an image from a server side***, which is neither taught or an obvious variation of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Yokonuma et al. (US Application Publication No. 2007/0252901 A1) teaches an electronic camera that has a communication mode for transferring stored images to one or more different cameras.
- Satoh et al. (US Patent No. 6,111,662) teaches an electronic imaging apparatus provided with a communication means for transmitting and receiving image information.
- Tokoro (US Patent No. 6,349,324 B1) teaches a communication system wherein an image of the user of a first portable phone is transmitted and displayed by a monitor.

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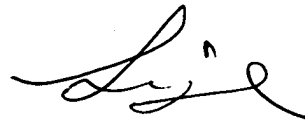
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622  
December 26, 2007



LIN YE  
SUPERVISORY PATENT EXAMINER